

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

CONSTITUTION PIPELINE
COMPANY, LLC

Plaintiff,

V.

A PERMANENT EASEMENT FOR 1.34
ACRES AND TEMPORARY EASEMENTS
FOR 1.88 ACRES IN COBLESKILL,
SCHOHARIE COUNTY, NEW YORK, TAX
PARCEL NUMBER 81.-1-5,
ANTONIO LEVA, et al.

Defendants.

CIVIL ACTION

Case No. 1:14-cv-02011-NAM-RFT

Electronically Filed

ORDER

AND NOW, this 18th day of February, 2015, upon consideration of Plaintiff's Omnibus Motion for Preliminary Injunction for Possession of Rights of Way by February 16, 2015 Pursuant to the Natural Gas Act and Federal Rules of Civil Procedure 71.1 and 65, and the documents and arguments submitted in reference thereto, the Motion is hereby GRANTED and:

(a) Upon filing the bond required below, beginning February 16, 2015, Plaintiff Constitution Pipeline Company, LLC (“Constitution”) is granted access to, possession of and entry to the following Rights of Way:

1. A permanent right of way and easement, containing 1.34 acres, as described as “Area of Permanent Right of Way” in Exhibit A attached hereto, for the purpose of constructing, operating, maintaining, altering, repairing, changing the size of, replacing and removing a pipeline and all related equipment and appurtenances thereto (including but not limited to meters, fittings, tie-overs, valves, cathodic protection equipment and launchers and receivers) for the transportation of natural gas, or its byproducts, and other substances as approved by the Federal Energy Regulatory Commission pursuant to the Natural Gas Act and the Order of the Federal Energy Regulatory Commission dated December 2, 2014,

Docket Nos. CP13-499-000 and CP13-502-000, 149 FERC ¶ 61,199 (2014); together with all rights and benefits necessary or convenient for the full enjoyment or use of the right of way and easement. Defendants shall have a right of ingress and egress across the permanent right of way, but Defendants shall not build any permanent structures on said permanent right of way or any part thereof, shall not change the grade of said permanent right of way, or any part thereof, shall not plant trees on said permanent right of way, or any part thereof, or use said permanent right of way or any part thereof for a road, or use said permanent right of way or any part thereof in such a way as to interfere with Plaintiff's immediate and unimpeded access to said permanent right of way, or otherwise interfere with Plaintiff's lawful exercise of any of the rights herein granted without first having obtained Plaintiff's approval in writing, and Defendants will not permit others to do any of said acts without first having obtained Plaintiff's approval in writing, except that the landowner may construct a single driveway that crosses the permanent right of way perpendicularly after providing reasonable notice to Plaintiff provided that Defendants do not excavate or change the grade of the permanent right of way during construction of said driveway. Plaintiff shall have the right to cut the driveway if necessary to access the pipeline, but will restore the driveway to its original condition. Within the permanent right of way, Plaintiff shall also have the right from time to time at no additional cost to Defendants to cut and remove all trees including trees considered as a growing crop, all undergrowth and any other obstructions that may injure, endanger or interfere with the construction and use of said pipeline and all related equipment and appurtenances thereto.

2. Temporary easements of 1.88 acres, as described as "Area of Temporary Workspace" and "Area of Additional Temporary Workspace" in Exhibit A attached hereto, for use during the pipeline construction and restoration period only for the purpose of ingress, egress and regress and to enter upon, clear off and use for construction and all activities required by the Order of the Federal Energy Regulatory Commission dated December 2, 2014, Docket Nos. CP13-499-000 and CP13-502-000, 149 FERC ¶ 61,199 (2014).

(b) Constitution shall post a bond in the amount of \$29,800.00 as security for the payment of just compensation to Defendants.

(c) Constitution shall record this Order in the County Clerk's Office of Schoharie County, New York.

IT IS SO ORDERED.

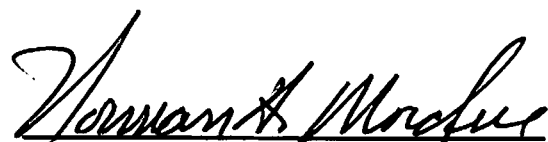
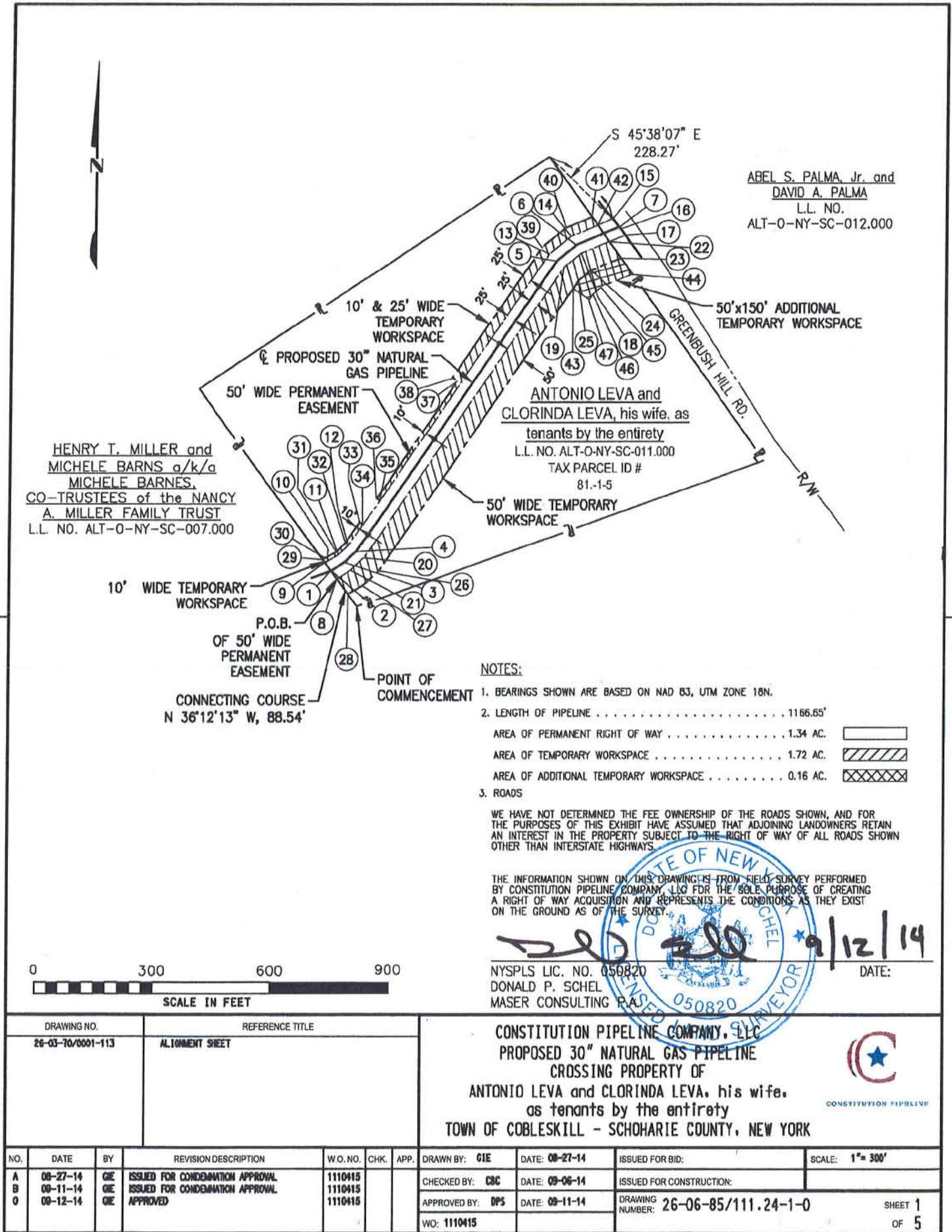

Norman A. Mordue
Senior U.S. District Judge

EXHIBIT A



PROPOSED 30" NATURAL GAS PIPELINE

POINT#	BEARING	DISTANCE
1-2	N 69°57'38" E	1.32'
2-3	N 58°03'39" E	40.01'
3-4	N 46°09'40" E	40.01'
4-5	N 34°15'40" E	903.44'
5-6	N 50°43'40" E	63.88'
6-7	N 67°31'03" E	117.99'

50' WIDE PERMANENT EASEMENT

POINT#	BEARING	DISTANCE
8-9	N 36°12'13" W	51.37'
9-10	N 69°57'38" E	5.97'
10-11	N 58°03'39" E	34.80'
11-12	N 46°09'40" E	34.80'
12-13	N 34°15'40" E	904.45'
13-14	N 50°43'40" E	71.18'
14-15	N 67°31'03" E	114.21'
15-16	S 39°18'21" E	38.11'
16-17	S 35°36'06" E	13.89'
17-18	S 67°31'03" W	120.92'
18-19	S 50°43'40" W	56.57'
19-20	S 34°15'40" W	902.43'
20-21	S 46°09'40" W	45.22'
21-8	S 58°03'39" W	42.03'

50' WIDE TEMPORARY WORKSPACE

POINT#	BEARING	DISTANCE
7-21	N 58°03'39" E	42.03'
21-20	N 46°09'40" E	45.22'
20-19	N 34°15'40" E	902.43'
19-18	N 50°43'40" E	56.57'
18-22	N 67°31'03" E	77.27'
22-23	S 35°32'31" E	51.32'
23-24	S 67°31'03" W	81.48'
24-25	S 50°43'40" W	41.97'
25-26	S 34°15'40" W	900.40'
26-27	S 46°09'40" W	55.64'
27-28	S 58°03'39" W	43.51'
28-7	N 36°12'13" W	50.14'

10' WIDE TEMPORARY WORKSPACE

POINT#	BEARING	DISTANCE
8-29	N 36°12'13" W	10.41'
29-30	N 69°57'38" E	7.82'
30-31	N 58°03'39" E	32.72'
31-32	N 46°09'40" E	32.71'
32-33	N 34°15'40" E	63.58'
33-34	S 55°44'20" E	10.00'
34-12	S 34°15'40" W	64.62'
12-11	S 46°09'40" W	34.80'
11-10	S 58°03'39" W	34.80'
10-8	S 69°57'38" W	5.97'

10' & 25' WIDE TEMPORARY WORKSPACE


POINT#	BEARING	DISTANCE
35-36	N 55°44'20" W	10.00'
36-37	N 34°15'40" E	363.87'
37-38	N 55°44'20" W	15.00'
38-39	N 34°15'40" E	406.37'
39-40	N 50°43'40" E	78.49'
40-41	N 67°31'03" E	70.94'
41-42	S 35°32'31" E	25.66'
42-14	S 67°31'03" W	73.05'
14-13	S 50°43'40" W	71.18'
13-35	S 34°15'40" W	766.62'

50'x150' ADDITIONAL TEMPORARY WORKSPACE

POINT#	BEARING	DISTANCE
43-25	N 34°15'40" E	25.17'
25-24	N 50°43'40" E	41.97'
24-23	N 67°31'03" E	81.48'
23-44	S 35°32'31" E	51.33'
44-45	S 67°31'03" W	85.70'
45-46	S 50°43'40" W	27.36'
46-47	S 34°15'40" W	17.94'
47-43	N 55°44'20" W	50.00'

NYSPLS LIC. NO. 050820
DONALD P. SCHEER
MASER CONSULTING P.A.

DATE: 9/12/14

DRAWING NO. 26-03-70/0001-113		REFERENCE TITLE ALIGNMENT SHEET		CONSTITUTION PIPELINE COMPANY, LLC PROPOSED 30" NATURAL GAS PIPELINE CROSSING PROPERTY OF ANTONIO LEVA and CLORINDA LEVA, his wife, as tenants by the entirety TOWN OF COBLESKILL - SCHOHARIE COUNTY, NEW YORK				 CONSTITUTION PIPELINE		
NO.	DATE	BY	REVISION DESCRIPTION	W.O. NO.	CHK.	APP.	DRAWN BY: GIE	DATE: 08-27-14	ISSUED FOR BID:	SCALE: NONE
A	08-27-14	GIE	ISSUED FOR CONDEMNATION APPROVAL	1110415			CHECKED BY: CBC	DATE: 09-06-14	ISSUED FOR CONSTRUCTION:	
B	09-11-14	GIE	ISSUED FOR CONDEMNATION APPROVAL	1110415			APPROVED BY: DPS	DATE: 09-11-14	DRAWING NUMBER: 26-06-85/111.24-2-0	SHEET 2
O	09-12-14	GIE	APPROVED	1110415			W.O: 1110415			OF 5

**DESCRIPTION FOR THE PROPOSED 50' PERMANENT EASEMENT
ACROSS PROPERTY OF
ANTONIO LEVA and CLORINDA LEVA, his wife, as tenants by the entirety**
TAX PARCEL ID # 81.-1-5
DEED BOOK 363, PAGE 1191
LOCATED IN TOWN OF COBLESKILL
SCHOHARIE COUNTY, NEW YORK

Commencing at a point in the South boundary line of the aforementioned parcel, said point being the South corner and Point of Commencement; thence along the Southwest boundary line of said parcel of land; N 36°12'13" W a distance of 88.54 feet to a point, said point being the Point of Beginning;

Thence, N 36°12'13" W a distance of 51.37 feet to a point;

Thence, N 69°57'38" E a distance of 5.97 feet to a point;

Thence, N 58°03'39" E a distance of 34.80 feet to a point;

Thence, N 46°09'40" E a distance of 34.80 feet to a point;

Thence, N 34°15'40" E a distance of 904.45 feet to a point;

Thence, N 50°43'40" E a distance of 71.18 feet to a point;

Thence, N 67°31'03" E a distance of 114.21 feet to a point located in the centerline of Greenbush Hill Road, said centerline being the division line between the lands of Abel S. Palma, Jr., et al to the Northeast and lands of Antonio Leva, et ux to the Southwest;

Thence along said centerline of Greenbush Hill Road and division line, S 39°18'21" E a distance of 38.11 feet to a point;

Thence, S 35°36'06" E a distance of 13.89 feet to a point;

Thence through the lands of Antonio Leva, et ux, S 67°31'03" W a distance of 120.92 feet to a point;

Thence, S 50°43'40" W a distance of 56.57 feet to a point;

Thence, S 34°15'40" W a distance of 902.43 feet to a point;

Thence, S 46°09'40" W a distance of 45.22 feet to a point;

Thence, S 58°03'39" W a distance of 42.03 feet to the Point of Beginning containing 1.34 acres.

All this is more fully shown on Drawing No. 26-06-85/111.24-1 thru 5 entitled "Constitution Pipeline Company, LLC - Property of Antonio Leva and Clorinda Leva, his Wife, as tenants by the entirety - Located in the Town of Cobleskill - Schoharie County, New York " dated September 12, 2014.

DESCRIPTION FOR THE PROPOSED 50' TEMPORARY WORKSPACE

Beginning at a point in the Southwest boundary line, said point being the Point of Beginning for the Proposed 50' Permanent Easement;

Thence, N 58°03'39" E a distance of 42.03 feet to a point;

Thence, N 46°09'40" E a distance of 45.22 feet to a point;

Thence, N 34°15'40" E a distance of 902.43 feet to a point;

Thence, N 50°43'40" E a distance of 56.57 feet to a point;

Thence, N 67°31'03" E a distance of 77.27 feet to a point in the Southwest Right of Way line of Greenbush Hill Road;

Thence along said Southwest Right of Way line of Greenbush Hill Road, S 35°32'31" E a distance of 51.32 feet to a point;

Thence through the lands of Antonio Leva, et ux, S 67°31'03" W a distance of 81.48 feet to a point;

Thence, S 50°43'40" W a distance of 41.97 feet to a point;

Thence, S 34°15'40" W a distance of 900.40 feet to a point;

Thence, S 46°09'40" W a distance of 55.64 feet to a point;

Thence, S 58°03'39" W a distance of 43.51 feet to a point in said Southwest boundary line;


Thence along said Southwest boundary line, N 36°12'13" W a distance of 50.14 feet to the Point of Beginning containing 1.29 acres.

The 1.29 acres being part of the 1.72 acre total, as shown on Sheet 1, "Area of Temporary Workspace".

NYSPLS LIC. NO. 050820
DONALD P. SCHEP
MASER CONSULTING P.A.

DATE:

9/12/14

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B	09-11-14	GIE	ISSUED FOR CONDEMNATION APPROVAL	1110415			APPROVED BY: DPS	DATE: 09-11-14	DRAWING NUMBER: 26-06-85/111.24-3-0	SHEET 3
0	09-12-14	GIE	APPROVED	1110415			W/O: 1110415			OF 5

DESCRIPTION FOR THE PROPOSED 10' TEMPORARY WORKSPACE

Beginning at a point in the Southwest boundary line, said point located N 36°12'13" W a distance of 51.37 feet from the said Point of Beginning for the Proposed 50' Permanent Easement;

Thence along said Southwest boundary line, N 36°12'13" W a distance of 10.41 feet to a point;
 Thence, N 69°57'38" E a distance of 7.82 feet to a point;
 Thence, N 58°03'39" E a distance of 32.72 feet to a point;
 Thence, N 46°09'40" E a distance of 32.71 feet to a point;
 Thence, N 34°15'40" E a distance of 63.58 feet to a point;
 Thence, S 55°44'20" E a distance of 10.00 feet to a point;
 Thence, S 34°15'40" W a distance of 64.62 feet to a point;
 Thence, S 46°09'40" W a distance of 34.80 feet to a point;
 Thence, S 58°03'39" W a distance of 34.80 feet to a point;
 Thence, S 69°57'38" W a distance of 5.97 feet to a point in said Southwest boundary line; said point being the Point of Beginning containing 0.03 acres.

The 0.03 acres being part of the 1.72 acre total, as shown on Sheet 1, "Area of Temporary Workspace".

DESCRIPTION FOR THE PROPOSED 10' & 25' TEMPORARY WORKSPACE


Beginning at a point located N 28°15'50" E a distance of 226.99 feet from the said Point of Beginning for the Proposed 50' Permanent Easement;

Thence, N 55°44'20" W a distance of 10.00 feet to a point;
 Thence, N 34°15'40" E a distance of 363.87 feet to a point;
 Thence, N 55°44'20" W a distance of 15.00 feet to a point;
 Thence, N 34°15'40" E a distance of 406.37 feet to a point;
 Thence, N 50°43'40" E a distance of 78.49 feet to a point;
 Thence, N 67°31'03" E a distance of 70.94 feet to a point in the Southwest Right of Way line of Greenbush Hill Road;
 Thence along said Southwest Right of Way line of Greenbush Hill Road, S 35°32'31" E a distance of 25.66 feet to a point;
 Thence through the lands of Antonio Leva, et ux, S 67°31'03" W a distance of 73.05 feet to a point;
 Thence, S 50°43'40" W a distance of 71.18 feet to a point;
 Thence, S 34°15'40" W a distance of 766.62 feet to the Point of Beginning containing 0.40 acres.

The 0.40 acres being part of the 1.72 acre total, as shown on Sheet 1, "Area of Temporary Workspace".

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O	09-12-14	GIE	APPROVED	1110415			WO: 1110415			OF 5

DESCRIPTION FOR THE PROPOSED 50'x150' ADDITIONAL TEMPORARY WORKSPACE


Beginning at a point in located N 38°50'21" E a distance of 955.77 feet from the said Point of Beginning for the Proposed 50' Permanent Easement;

Thence, N 34°15'40" E a distance of 25.17 feet to a point;
 Thence, N 50°43'40" E a distance of 41.97 feet to a point;
 Thence, N 67°31'03" E a distance of 81.48 feet to a point in the Southwest Right of Way line of Greenbush Hill Road;
 Thence along said Southwest Right of Way line of Greenbush Hill Road, S 35°32'31" E a distance of 51.33 feet to a point;
 Thence through the lands of Antonio Leva, et ux, S 67°31'03" W a distance of 85.70 feet to a point;
 Thence, S 50°43'40" W a distance of 27.36 feet to a point;
 Thence, S 34°15'40" W a distance of 17.94 feet to a point;
 Thence, N 55°44'20" W a distance of 50.00 feet to the Point of Beginning containing 0.16 acres.

NYSPLS LIC. NO. 050820
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 MASER CONSULTING P.A.

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0	09-12-14	GIE	APPROVED	1110415			WO: 1110415			OF 5